



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/570,646

03/03/2006

Tero Hakala

915001078

2981

4955 7590 08/21/2008

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

BETT, JACOB F

ART UNIT

PAPER NUMBER

2169

MAIL DATE

DELIVERY MODE

08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/570,646	Applicant(s) HAKALA ET AL.	
	Examiner Jacob F. Bétit	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/25/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 12 May 2008, claims 1-4, 6-10, 12-38 have been amended per the applicant's request. Claims 1-38 are presently pending in the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 8, 10, 11, 13-19, 21, 22, 24-32, 34, 35, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Abram et al. (U.S. patent No. 6,462,778 B1).

As to claim 1, Abram et al. teaches a method for naming a mobile station picture file, in which picture file there is saved a picture produced by the camera of the mobile station, ~~that~~ the method comprising:

among the data available in the mobile station, there is searched a given feature associated to the picture (see column 4, lines 12-30, and see column 6, lines 13-56),

of a found feature, there is created a name suggestion that is added in the name suggestion list containing name suggestions for the picture file in order to create said name suggestion list (see column 4, lines 30-58), and

the created name suggestion list is displayed in a user interface, where the picture file name is editable (see column 4, lines 41-58 and see column 6, lines 38-56).

As to claim 2, Abram et al. teaches wherein in the mobile station, there is searched date and time information associated to a moment of shooting, a name suggestion is created based on said time information, and the name suggestion is added in the picture file name suggestion list (see column 4, lines 41-58).

As to claim 3, Abram et al. teaches wherein in the mobile station, there is searched a calendar event that is at a given accuracy associated to the moment of shooting, and in case such a calendar event is found, said calendar event is added as a name suggestion in the picture file name suggestion list (see column 4, lines 31-40).

As to claim 4, Abram et al. teaches wherein in the mobile station, there is searched a file name of a previously saved picture file, and it is added as a name suggestion in the picture file name suggestion list (see column 4, lines 45-47).

As to claim 5, Abram et al. teaches wherein in the mobile station operational profile and settings, there is searched data associated to the picture according to certain criteria, and said data is used for creating a name suggestion in the picture file name suggestion list (see column 4, lines 13-30).

As to claim 7, Abram et al. teaches wherein the location information of the mobile station is searched, and based on said location information, there is created a name suggestion to be

Art Unit: 2164

added in the picture file name suggestion list (see column 6, lines 13-56).

As to claim 8, Abram et al. teaches wherein in the mobile station, there is searched a name suggestion defined by a user, and said found name suggestion defined by the user is added in the picture file name suggestion list (see column 4, lines 13-30).

As to claim 10, Abram et al. teaches wherein in the user interface the picture file name is editable, and the picture file name is chosen among the displayed name suggestions by pointing (see column 4, lines 12-58).

As to claim 11, Abram et al. teaches wherein in the user interface the picture file name is editable, and the picture file name is created by editing the picture file name suggestion (see column 4, lines 12-30).

As to claim 13, Abram et al. teaches wherein the method is performed immediately after the picture is produced by the camera of the mobile station (see column 4, lines 3-11).

As to claim 14, Abram et al. teaches wherein the method is performed based on a previously saved picture that is already stored in a memory of the mobile station and contained in a picture file (see column 4, lines 3-11).

Art Unit: 2164

As to claim 15, Abram et al. teaches Apparatus for naming a picture file containing a picture produced by a camera of a mobile station, said apparatus including:

a control unit configured to search a given feature associated to the picture from a data available in the mobile station (see column 4, lines 12-30 and column 6, lines 13-56),

to create a name suggestion based on said searched feature (see column 4, lines 30-58),

to add the created name suggestion in a name suggestion list for the picture file and means for creating said name suggestion list (see column 4, lines 30-58),

to display the created name suggestion list in a user interface, and

to edit the picture file name in the user interface (see column 4, lines 41-58 and see column 6, lines 38-56).

As to claim 16, the applicant is referred to the citations for claim 2 above.

As to claim 17, the applicant is referred to the citations for claim 3 above.

As to claim 18, the applicant is referred to the citations for claim 4 above.

As to claim 19, the applicant is referred to the citations for claim 5 above.

As to claim 21, the applicant is referred to the citations for claim 7 above.

As to claim 22, the applicant is referred to the citations for claim 8 above.

As to claim 24, the applicant is referred to the citations for claim 10 above.

As to claim 25, the applicant is referred to the citations for claim 11 above.

As to claim 26, Abram et al. teaches wherein said means are software means (see column 2, lines 44-54).

As to claim 27, Abram et al. teaches a computer readable medium having instructions for naming a picture file recording a picture taken by a camera of a mobile station, said instructions for:

searching a given feature associated to the picture from the data available in the mobile station (see column 4, lines 12-30 and column 6, lines 13-56),

adding the searched feature in the picture file name suggestion list and for creating said name suggestion list (see column 4, lines 30-58),

displaying the name suggestion list in the user interface (see column 4, lines 30-58), and editing the picture file name in the user interface (see column 4, lines 41-58 and see column 6, lines 38-56).

As to claim 28, Abram et al. teaches Apparatus for naming a picture file containing a picture produced by a camera of a mobile station, said apparatus including a control unit, which control unit is arranged to:

search a given feature associated to the picture from a data available in the mobile stationsee column 4, lines 12-30 and column 6, lines 13-56),

create a name suggestion based on said searched feature (see column 4, lines 30-58),

add a created name suggestion in the name suggestion list of the picture file and create said name suggestion list (see column 4, lines 30-58),

display the name suggestion list in a user interface (see column 4, lines 41-58 and see column 6, lines 38-56), and

receive an edited picture file name from said user interface (see column 4, lines 41-58 and see column 6, lines 38-56).

As to claim 29, the applicant is referred to the citations for claim 2 above.

As to claim 30, the applicant is referred to the citations for claim 3 above.

As to claim 31, the applicant is referred to the citations for claim 4 above.

As to claim 32, the applicant is referred to the citations for claim 5 above.

As to claim 34, the applicant is referred to the citations for claim 7 above.

As to claim 35, the applicant is referred to the citations for claim 8 above.

As to claim 37, the applicant is referred to the citations for claim 10 above.

As to claim 38, the applicant is referred to the citations for claim 11 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. in view of Matsumura et al. (U.S. patent No. 6,222,583 B1).

As to claim 6, Abram et al. does not distinctly disclose wherein the picture is processed by an image recognition algorithm of the mobile station in order to produce a picture file name

Art Unit: 2164

suggestion by means of the features recognized in the picture, and that the produced name suggestion is added in the picture file name suggestion list.

Matsumura et al. teaches this, see column 3, lines 16-27. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Matsumura et al. because these teachings would identify objects within the images taken that can be individually accredited to the image.

As to claim 20, the applicant is referred to the citations for claim 6 above.

As to claim 33, the applicant is referred to the citations for claim 6 above.

Claims 9, 12, 23, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. in view of Fukahori (U.S. patent No. 6,469,698 B2).

As to claim 9, Abram et al. does not distinctly disclose wherein the name suggestions contained in the created picture file name suggestion list are arranged in an order of priority according to certain predetermined priority rules, so that a name suggestion with a highest priority is arranged first in the name suggestion list, and that a first name suggestion of the name suggestion list is set as a default name of the picture file in the user interface.

Fukahori teaches this, see column 9, lines 4-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Fukahori because these teachings would give an order to multiple possible choices to be selected.

As to claim 12, Abram et al. does not distinctly disclose wherein the method is performed in the mobile station before producing the picture by the camera of the mobile station.

Fukahori teaches this, see column 8, line 55 through column 9, line 3. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Fukahori because these teachings would allow the user to select a title once for one series of pictures removing the redundant selection every time a new picture is taken.

As to claim 23, the applicant is referred to the citations for claim 9 above.

As to claim 36, the applicant is referred to the citations for claim 9 above.

Response to Arguments

5. Applicant's arguments filed 12 May 2008 have been fully considered but they are not persuasive.

In response to the applicant's arguments that the Abram et al. reference does not disclose "that the picture file name is editable", the arguments have been considered, but are not deemed persuasive. In column 6, lines 38-56, Abram et al. goes into how the user can select the file name from a list of location names associated with the current coordinates. These means that the file name can be chosen or edited by the user and is not set or rigid. According to wordnet.princeton.edu, "edit" means "prepare for publication or presentation by correcting, revising, or adapting". Choosing one of the names associated with current coordinates would fall within this definition.

In response to the applicant's arguments directed towards claim 3, the arguments have been considered, but are not deemed persuasive. The claim states "a calendar event that is at a given accuracy associated with a moment of shooting". The claim does not suggest what that accuracy is nor does it state that the searching is an automated task not performed by the user. Column 4, lines 31-40 of Abram et al. discloses the user choosing from a list of holidays in a holiday sub-menu. This list is at least within a 365 day accuracy and can be further narrowed down by the user. Therefore this limitation is anticipated.

In response to the applicant's arguments directed towards claim 5, the arguments have been considered, but are not deemed persuasive. The system of Abram et al. runs according to its operational profile and settings. Based on the profile and settings set in the system different file names are suggested to the user. Therefore this limitation is anticipated.

In response to the applicant's arguments directed towards claim 10, the arguments have been considered, but are not deemed persuasive. Column 6, lines 38-56 teach this limitation in particular the phrase "The user then indicates which of the place names should be associated with the particular image file." Therefore this limitation is anticipated.

In response to the applicant's arguments directed towards claim 9, the arguments have been considered, but are not deemed persuasive. Organizing "the place-names with respect to coarseness of geographical resolution" is a predetermined priority to order the places according to priority rules. Therefore this limitation is obvious in view of the cited references.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 10:30 am to 6:30 pm.

Art Unit: 2164

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb

18 Aug 2008

/Tony Mahmoudi/
Supervisory Patent Examiner, Art Unit 2169